

Membership Balance Plan
Board of Visitors of the U.S. Air Force Academy

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 9355 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Board of Visitors of the U.S. Air Force Academy (“the Board”) as a statutory advisory committee.
2. Mission/Function: Pursuant to 10 U.S.C. § 9355(e)(1) and (3), the Board shall provide to the Secretary of Defense and the Deputy Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives independent advice and recommendations on matters relating to the U.S. Air Force Academy (“the Academy”), including morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider. The Board shall recommend appropriate action.

Pursuant to 10 U.S.C. § 9355(f), the Board shall prepare a semiannual report containing its views and recommendations pertaining to the Academy, based on its meeting since the last such report and any other considerations it determines relevant. Each such report shall be submitted concurrently to the Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

3. Points of View: Pursuant to 10 U.S.C. § 9355, the Board shall be constituted annually and composed of 15 members. The members shall be chosen by the individuals listed and in the manner discussed in paragraph five below.

Board members who are full-time or permanent part-time Federal officers or employees shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members. Those who are not full-time or permanent part-time Federal officers or employees shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. The DoD, unless otherwise provided for by statute or Presidential directive, does not use representative members on DoD-established or supported advisory committees.

4. Other Balance Factors: N/A.
5. Candidate Identification Process: The Board, pursuant to 10 U.S.C. § 9355 (a) and (b)(2), is composed of the following 15 individuals:
 - a. Six persons designated by the President, at least two of whom shall be graduates of the Academy;
 - b. The Chair of the Committee on Armed Services of the House of Representatives, or designee;
 - c. Four persons designated by the Speaker of the House of Representatives, three of whom

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shall be members of the House of Representatives and the fourth of whom may not be a member of the House of Representatives;

- d. The Chair of the Committee on Armed Services of the Senate, or designee; and,
- e. Three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate.

Pursuant to 10 U.S.C. § 9355(b)(1), Board members designated by the President shall serve for three years each, except that any member whose term of office has expired shall continue to serve until a successor is designated. The President shall designate persons each year to succeed the members whose terms expire that year.

Pursuant to 10 U.S.C. 9355(c)(1), if a member of the Board dies or resigns or is terminated as a member of the Board pursuant to 10 U.S.C. § 9355(c)(2), a successor shall be designated for the unexpired portion of the term by the official who designated the member.

If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance for good cause by the Board Chair, such failure shall be grounds for termination from membership on the Board, pursuant to 10 U.S.C. § 9355(c)(2)(A) (“absenteeism provision”).

Pursuant to 10 U.S.C. § 9355(c)(2)(B), termination of membership on the Board pursuant to the absenteeism provision, in the case of a member of the Board who is not a member of Congress, may be made by the Board’s Chair; and in the case of a member of the Board who is a member of Congress, may be made only by the official who designated the member.

Pursuant to 10 U.S.C § 9355(c)(2)(C), when a member of the Board is subject to termination from membership on the Board under the absenteeism provision, the Board’s Chair shall notify the official who designated the member. Upon receipt of such a notification with respect to a member of the Board who is a member of Congress, the official who designated the member shall take such action as that official considers appropriate.

Board members who are full-time or permanent part-time Federal officers or employees shall be appointed as regular government employee (RGE) members pursuant to 41 C.F.R. § 102-3.130(a). Board members who are not full-time or permanent part-time Federal officers or employees shall be appointed to serve as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members.

Following the appointments, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

Membership vacancies for the Board and any subcommittees will be filled in accordance with to 10 U.S.C. 9355(c)(1).

- 6. Subcommittee Balance: The DoD, when necessary and consistent with the Board’s mission and DoD policies and procedures, may establish subcommittees, task forces, or working

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groups to support the Board.

Individuals considered for appointment to any subcommittee of the Board may come from the Board itself or from new nominees, as recommended by the Secretary of the Air Force and based upon the subject matters under consideration. Pursuant to Secretary of Defense policy, the Secretary of the Air Force is authorized to administratively certify the appointment of subcommittee members if the Secretary of Defense or the Deputy Secretary of Defense has previously authorized the individual's appointment to the Board or another DoD advisory committee according to DoD policies and procedures. If this prior authorization has not occurred, then the individual's subcommittee appointment must first be authorized by the Secretary of Defense or the Deputy Secretary of Defense and subsequently administratively certified by the Secretary of the Air Force.

Subcommittee members, with the approval of the Secretary of Defense, will be appointed for a term of service of one-to-four years, subject to annual renewals; however, no member shall serve more than two consecutive terms of service on the subcommittee. Subcommittee members, if not full-time or permanent part-time Federal officers or employees, will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members.

7. Other: As nominees are considered for appointment to the Board, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Committees, Boards, and Commissions (79 FR 47482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Prepared: November 13, 2016